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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,787	05/24/2001	Bruce A. Milligan	10995.00036	2887

7590 10/21/2003

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EXAMINER

LE, MARK T

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/864,787

Applicant(s)

MILLIGAN ET AL.

Examiner

Mark T. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address.
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-7,9-12 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-7,9-12 and 14-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 17 October 2002 is: a) ☐ approved b) ☒ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to the Request for Continued Examination, filed on August 14, 2003, and the request for entry of the amendments filed on October 17, 2002. Applicant's amendments and remarks, filed on October 17, 2002, have been carefully considered.
2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (US 1,806,075).

Martin, Figs. 1-4, shows traction pin 18 similar to that recited in the instant claim, including mounting plate 17, cylindrical end with tapered region 20, and a frustum shaped region located below mounting plate 17. However, the pin body of Martin is a hollow structure provided with reinforcement instead of a non-hollow structure as claimed.

Note that non-hollow or solid for strength and hollow for lightweight are a well known concept to an artisan (Official Notice is taken). Accordingly, it would have been obvious to one skilled in the art to alternatively make the pin body of Martin as a non-hollow structure to increase strength.

4. Claims 1, 3, 5-7, 9-12 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior art Fig. 5 of the instant drawings in view of Martin (US 1,806,075).

Prior art Fig. 5 shows a traction pin/traction pin assembly similar to that recited in the instant claims, except that the traction pin of the Prior art Fig. 5 is formed of multiple elements instead of a one-piece cast body.

Martin discloses traction pin 16 formed of a one-piece cast body.

In view of Martin, it would have been obvious to one skilled in the art to form the traction pin of the Prior art Fig. 5 as a one-piece cast body, in a manner similar to that taught by Martin, so as to achieve the expected advantages thereof.

Regarding the claimed pin body being a non-hollow structure, note that the options of making a structure in a non-hollow formation for higher strength or a hollow formation for reducing weight, material and cost are routinely faced by engineers or mechanical designers; and as result, such options have become well known alternatives with known advantages, and it is only required a level of common sense to select an applicable or desirable alternative for an application. On the same token as a matter of common senses, it would have been obvious to one skilled in the art to make the cylindrical part of the pin body of Martin as a non-hollow cylinder so as to achieve the expected increasing strength of a solid structure

5. Claims 1, 3, 5-7, 9-12 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior art Fig. 5 of the instant drawings.

Prior art Fig. 5 shows a traction pin/traction pin assembly similar to that recited in the instant claims, except that the traction pin of the Prior art Fig. 5 is formed of multiple elements instead of a one-piece cast body. However, note that "it involves no invention to cast in one piece an article which has formerly been cast in two pieces and put together" - Howard v. Detroit Stove Works, 150 U.S. 164 (1893). Similarly, it would have been obvious to one skilled in the art to cast the traction pin of the Prior art Fig. 5 as a one-piece cast body as the obviousness of such concept (integrally cast or separately cast) has been well settled.

Regarding the claimed pin body being a non-hollow structure, note that the options of making a structure in a non-hollow formation for higher strength or a hollow formation for reducing weight, material and cost are routinely faced by engineers or mechanical designers; and as result, such options have become well known alternatives with known advantages, and it is only required a level of common sense to select an applicable or desirable alternative for an application. On the same token as a matter of common senses, it would have been obvious to one skilled in the art to make the cylindrical part of the pin body of Martin as a non-hollow cylinder so as to achieve the expected increasing strength of a solid structure

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant should consider also Sloane '021, column 2, lines 32-33; wherein, a structure can be make solid or hollow; and Nakagami '671, column 2, 32-33; wherein, the rail can also be make solid or hollow. Note that the above references are cited as an exemplary of the well known concept.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Le whose telephone number is 703-308-3663. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Mark T. Le
Primary Examiner
Art Unit 3617

mle
10/16/03